

## **Minutes of the Regular Meeting of the Ankeny City Council**

Tuesday, September 7, 2010 – 5:00 P.M.

Ankeny City Hall – City Council Chambers

410 W. First Street, Ankeny, Iowa

Steven D. Van Oort, Mayor

Dave Kissinger, Mayor Pro tem

Council Members: Craig Block, Wade Steenhoek, Tom Strait, Gary L. Welch

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Mayor Van Oort called the meeting to order at 5:00 p.m. All council members were present. City Manager, Carl Metzger, and City Attorney, Amy Beattie, were present.

Mayor Van Oort led the Pledge of Allegiance.

**CEREMONY:** none

### **A. PUBLIC FORUM**

Citizen Open Forum:

Carol Miller, 12023 NE 22<sup>nd</sup> Street, spoke in opposition to the proposed 2010 Ankeny Comprehensive Plan and the bluebelt designation for land she wished to remain agricultural.

### **B. APPROVAL OF AGENDA**

**ACTION #1.** Welch made the MOTION to approve and accept the September 7, 2010 agenda, with amendment: moving Consent Agenda Item CA-49 to New Business (Action #15) and adding Consent Agenda Item CA-52, seconded by Kissinger.

**ROLL CALL**

|              |     |   |    |   |
|--------------|-----|---|----|---|
| 2010-0907.01 | YES | 5 | NO | 0 |
|--------------|-----|---|----|---|

### **C. PUBLIC HEARING(S):**

- **PH 2010-29:** Proposed The District at Prairie Trail Project – Phase 1

Mayor Van Oort stated this is the time and place for a public hearing on the matter of the proposed adoption of plans, specifications, form of contract and estimate of cost for the construction of certain public improvements described in general as construction of The District at Prairie Trail Project – Phase 1. The Notice of Hearing and Letting was published in the Des Moines Register on the 20<sup>th</sup> day of August, 2010.

Paul Moritz, Public Works Director, reported to the council that phase 1 includes the installation of underground storm sewers, sanitary sewers and water mains. The bid opening was held Tuesday, August 31, and five bids were received. The low bid was submitted by Halbrook Excavating for \$1,015,270.00, which was significantly lower than the engineer's estimate of \$1,337,270.00.

**ACTION #2. Strait made the MOTION to close Public Hearing 2010-29, seconded by Steenhoek.**

**ROLL CALL**

**2010-0907.02                      YES    5            NO    0**

Mayor Van Oort stated further consideration and action on this item will take place under "New Business", Agenda Item "K" later in the meeting.

- **PH 2010-30:** Proposed vacation of a public utility easement located on Lot 14, Chimney Point Plat 1 and electric easements located on Lots 2, 5, 8, 9 and 14 of Chimney Point Plat 1

Mayor Van Oort stated this is the time and place for a public hearing on the matter of the proposed Ordinance 1677, vacating a public utility easement located on Lot 14 of Chimney Point Plat 1 and electric easements located on Lots 2, 5, 8, 9 and 14 of Chimney Point Plat 1. The Notice of Hearing was published in the Des Moines Register on the 20<sup>th</sup> day of August, 2010.

John Peterson, Planning & Building Director, reported to the council that the vacation of this easement is a cleanup item necessary to move forward with the PUD amendment for Chimney Point. The lots along NW 18<sup>th</sup> Street are being revised from single-family detached to single-family bi-attached. With that revision, there are changes associated with the utilities and infrastructure. In this case, an electric easement and gas easement are needed, having to do with street light locations. The City will have to vacate this easement to clean that up and then obtain new easements.

**ACTION #3. Kissinger made the MOTION to close Public Hearing 2010-30, seconded by Block.**

**ROLL CALL**

**2010-0907.03                      YES    5            NO    0**

Mayor Van Oort stated further consideration and action on this item will take place under "Legislative Business", Agenda Item "I" later in the meeting.

**D. REPORTS OF ADVISORY BOARDS AND COMMISSION:**

Plan & Zoning Commission Representative, Dean Godwin, updated the city council on activities of the Plan & Zoning Commission.

Mayor's Youth Council Representatives, Hilary Rinker and Luke Williams, updated the city council on activities of the Mayor's Youth Council.

**E. REPORT OF LOBBYIST:** none

**F. APPROVAL OF CONSENT AGENDA:**

• **Minutes**

- CA-1 Approval of official council actions of the regular meeting of August 16, 2010, as published, subject to correction, as recommended by the City Clerk.
- CA-2 Approval of official council actions of the special meeting of August 23, 2010, as published, subject to correction, as recommended by the City Clerk.
- CA-3 Approval of official council actions of the special meeting of August 26, 2010, as published, subject to correction, as recommended by the City Clerk.
- CA-4 Receive and file minutes of the Plan & Zoning Commission meeting of August 17, 2010, subject to correction, as recommended by the recording secretary.

• **Licenses and Permits:**

- CA-5 Consider motion to approve a Class B Beer Permit w/Sunday Sales and Carryout Native Wine for Casey's Marketing Company, d/b/a, Casey's General Store #1548, 2905 West First Street. (renewal)
- CA-6 Consider motion to approve a Class B Beer Permit w/Sunday Sales for Casey's Marketing Company, d/b/a, Casey's General Store #1941, 1010 SE Oralabor Road. (renewal)
- CA-7 Consider motion to approve a Class C Liquor License w/Sunday Sales for Los Laritos, Inc., d/b/a, El Charro Mexican Restaurant #2, 2010 SE Delaware Avenue, Suite 230. (renewal)

• **Finance/Budget**

- CA-8 Consider motion to adopt RESOLUTION 2010-224 relating to the revision of the Financial Policy of the Standard Administrative Policy and Procedures Manual of the city of Ankeny, Iowa.
- CA-9 Consider motion to adopt RESOLUTION 2010-225 approving Commerce Bank Commercial Card Agreement.
- CA-10 Consider motion to approve Payment #2 in the amount of \$116,164.67 to Gator Excavating, Inc., for construction services on the 2010 South Ankeny Blvd. Feeder Main Project.

- CA-11** Consider motion to approve Change Order #2 increasing the contract amount by \$165.00 to Manatts, Inc., for construction services on the SW Magazine Rd. & US 69 Intersection Improvements Project.
- CA-12** Consider motion to approve Payment #3 in the amount of \$300,847.71 to Manatts, Inc. for construction services on the SW Magazine Rd. & US 69 Intersection Improvements Project.
- CA-13** Consider motion to approve Change Order #1 extending the contract time for Priority Excavating, LLC for construction services on the NE 54<sup>th</sup> Street Sanitary Sewer Project.
- CA-14** Consider motion to approve Payment #4 in the amount of \$2,038.68 to Snyder & Associates, Inc., for engineering services on the Ankeny Traffic Signal System Timings Update Project.
- CA-15** Consider motion to approve Payment #20 in the amount of \$51,191.50 to Snyder & Associates, Inc., for engineering services on the East First Street Interchange Reconstruction Project.
- CA-16** Consider motion to approve Payment #13 in the amount of \$29,087.50 to Snyder & Associates, Inc., for engineering services on the I-35 Widening Project - East First Street Interchange to NE 36th Street.
- CA-17** Consider motion to approve Payment #12 in the amount of \$13,694.71 to Snyder & Associates, Inc., for engineering services on the SE Corporate Woods Drive Railroad Overpass Project.
- CA-18** Consider motion to approve Payment #4 in the amount of \$16,356.25 to Snyder & Associates, Inc., for engineering services on the SE Tributary (B) to Fourmile Creek Project.
- CA-19** Consider motion to approve Payment #21 in the amount of \$85,648.50 to Snyder & Associates, Inc., for engineering services on the SW Magazine Road & SW Cherry Street Paving Project.
- CA-20** Consider motion to approve Payment #1 in the amount of \$64,553.17 to TK Concrete, Inc., for construction services on the 2010 PCC Street Patching Program - Phase III.
- CA-21** Consider motion to approve Payment #25 in the amount of \$2,790.00 to Water's Edge Aquatic Design, LLC for design services on the Aquatic Center Design Project.

- CA-22** Consider motion to approve Payment #49 in the amount of \$3,581.25 to Wilson Estes Police Architects for architectural and engineering services on the Police Station Headquarters Building Project.
- CA-23** Consider motion to approve Payment #50 in the amount of \$5,362.17 to Wilson Estes Police Architects for architectural and engineering services on the Police Station Headquarters Building Project.
- CA-24** Consider motion to approve Payment #51 in the amount of \$2,817.45 to Wilson Estes Police Architects for architectural and engineering services on the Police Station Headquarters Building Project.
- CA-25** Consider motion to approve Payment #52 in the amount of \$247.02 to Wilson Estes Police Architects for architectural and engineering services on the Police Station Headquarters Building Project.
- CA-26** Consider motion to approve the September 7, 2010 Accounts Payable from the following funds: General \$229,163.85, Fire Gift \$1,047.96, Road Use Tax \$70,759.06, Seizure \$4,293.66, Economic Development \$1,870.40, Dog Park Trust \$4,850.00, Solid Waste \$2,950.00, Water \$338,657.81, Sewer \$99,698.36, Stormwater \$2,598.72, Golf Course \$35,929.51, Enterprise Project \$157,215.05, Revolving \$22,489.59, Risk Mgmt \$7,151.85, Capital Projects \$758,914.48, Payroll \$1,418,606.91, Less Srvc Trnsfrs (\$192.38), Less Agenda Pymts Approved Separately (\$771,593.48), Grand Total 2,384,411.35. (Finance Committee: D. Kissinger, Chp., T. Strait, C. Block)

• **Personnel Items:**

- CA-27** Consider motion to adopt RESOLUTION 2010-226 approving and extending the employment agreement between the City of Ankeny, Iowa and City Manager.
- CA-28** Consider motion to adopt RESOLUTION 2010-227 approving and extending the employment agreement between the City of Ankeny, Iowa and Assistant City Manager.

• **Community Development Items**

- CA-29** Consider motion to adopt RESOLUTION 2010-228 providing for the notice and hearing of the City Council of the City of Ankeny regarding the annexation of property owned by the Sharon K. Harris Revocable Trust, Sharon K Harris (trustee) and Richard D. Harris (Trustee). (date of hrg: 10/04/10 @ 5:30 p.m.)
- CA-30** Consider motion to adopt RESOLUTION 2010-229 accepting final plat, deed to streets, performance bond for public improvements, performance bond for sidewalk and performance bond for erosion control for Vintage Hills Plat 1.

- CA-31** Consider motion to adopt RESOLUTION 2010-230 authorizing the Mayor to sign a development agreement with D.R.A. Properties, L.C. concerning the construction of SW Westview Drive in association with Vintage Hills Plat 1 in the City of Ankeny, Iowa.
- CA-32** Consider motion to adopt RESOLUTION 2010-231 accepting an off-site storm sewer, surface water flowage & detention easement located at the southeast corner of future SW Magazine Road and future SW Westview Drive associated with Vintage Hills Plat 1.
- CA-33** Consider motion to adopt RESOLUTION 2010-232 setting a public hearing on the vacation of a portion of a storm sewer & surface water flowage easement located on Outlot Y in Cascade Falls Plat 1. (date of hrg: 09/20/10 @ 5:30 p.m.)
- CA-34** Consider motion to adopt RESOLUTION 2010-233 setting a public hearing on the vacation of a right-of-way easement located on Parcel "I" and associated with Vintage Hills Plat 1. (date of hrg: 09/20/10 @ 5:30 p.m.)

• **Engineering Items:**

- CA-35** Consider motion to adopt RESOLUTION 2010-234 authorizing the execution of a Cooperative Public Service Agreement Addendum for a Federal Aid Project between the Iowa Department of Transportation and the City of Ankeny, Iowa for the NE 36<sup>th</sup> Street Interchange Project.
- CA-36** Consider motion to adopt RESOLUTION 2010-235 authorizing the execution of a Utility Installation Agreement by and between the City of Ankeny and Iowa Network Services to facilitate the removing and replacing of existing utilities located within the NE 36th Street right-of-way as a part of the NE 36th Street Interchange project.
- CA-37** Consider motion to adopt RESOLUTION 2010-236 authorizing the execution of a Utility Installation Agreement by and between the City of Ankeny and MidAmerican Energy Company to facilitate the removing and replacing of existing utilities located within the NE 36th Street right-of-way as a part of the NE 36th Street Interchange project.
- CA-38** Consider motion to adopt RESOLUTION 2010-237 authorizing the execution of a Utility Installation Agreement by and between the City of Ankeny and Qwest Communications to facilitate the removing and replacing of existing utilities located within the NE 36th Street right-of-way as a part of the NE 36th Street Interchange project.

- CA-39 Consider motion to adopt RESOLUTION 2010-238 accepting water main in Johnson Estates Plat 1.
- CA-40 Consider motion to adopt RESOLUTION 2010-239 accepting water main and sanitary sewer in Memorial Services of Iowa Plat 1.
- CA-41 Consider motion to adopt RESOLUTION 2010-240 accepting sanitary sewer in Otter Creek Park Sanitary Sewer Extension.
- CA-42 Consider motion to adopt RESOLUTION 2010-241 setting a public hearing on a proposal to convey certain sanitary sewer easements to the Des Moines Area Wastewater Reclamation Authority. (date of hrg: 9/20/10 @ 5:30 p.m.)

• **Capital Improvement Projects - Final Acceptance**

- CA-43 Consider motion to approve Change Order #5 increasing the contract amount by \$1,719.30 to McAninch Corporation for construction services on the SW Magazine Road & SW Cherry Street Paving Project – Phase 1.
- CA-44 Consider motion to accept the Certificate of Completion from Snyder & Associates, Inc., for the SW Magazine Road & SW Cherry Street Paving Project – Phase 1.
- CA-45 Consider motion to adopt RESOLUTION 2010-242 accepting the SW Magazine Road & SW Cherry Street Paving Project – Phase 1 with McAninch Corporation in the final contract amount of \$859,857.86.
- CA-46 Consider motion to approve final payment #6 in the amount of \$34,220.01 to McAninch Corporation for construction services on the SW Magazine Road & SW Cherry Street Paving Project – Phase 1 and authorize release of retainage payment in the amount of \$42,992.89 in accordance with the terms of the contract.

• **Administrative Items:**

- CA-47 Consider motion to adopt RESOLUTION 2010-243 authorizing the certification of liens to the Polk County Treasurer for purposes of assessing the cost of nuisance abatement against property. (snow removal and mowing)
- CA-48 Consider motion to adopt RESOLUTION 2010-244 authorizing the certification of liens to the Polk County Treasurer for purposes of assessing the delinquent utility account balances against property.
- CA-49 **MOVED**

**CA-50** Consider motion to approve the State of Iowa, Homeland Security and Emergency Management Division, Application for Federal/State Assistance Designation of Applicant's Authorized Representative (James H. Spradling, Assistant City Manager) and the Applicant's Assurances and Certifications.

**CA-51** Consider motion to set special meeting of the Ankeny City Council for Monday, September 13, 2010, at 5:00 p.m.

- **Final Agenda Additions:**

**CA-52** Consider motion to adopt RESOLUTION 2010-251 committing that the roadway improvements proposed associated with the Crosswinds Business Park Roadway Extension Project will be dedicated for public use.

**ACTION #4.** Block made the MOTION to approve the recommendations for Consent Agenda Items CA-1 through CA-52 with the removal of CA-49, seconded by Welch.

ROLL CALL

2010-0907.04                      YES    5            NO    0

**G. SUPPLEMENTAL & REMOVED CONSENT AGENDA ITEMS:**

**CA-53** Consider motion to adopt RESOLUTION 2010-246 accepting temporary easements for construction of the SE Tributary (B) to Fourmile Creek Streambank Stabilization Project.

**ACTION #5.** Kissinger made the MOTION to approve the supplemental & removed consent agenda item CA-53, seconded by Strait.

ROLL CALL

2010-0907.05                      YES    5            NO    0

**H. RECESS:** none

**I. LEGISLATIVE BUSINESS:**

- Approval of Ordinances:

**Ordinance 1673:** An ordinance amending the zoning regulations, Chapter 192 of the Municipal Code of the City of Ankeny, Iowa, by amending the PUD Zoning of certain property owned by Family Homes Construction, LLC/HZB Enterprises, LLC.



**ACTION #6.** Kissinger made the MOTION to accept third consideration of ORDINANCE 1673, sending it on its final passage and publication as required by law, seconded by Steenhoek.

**ROLL CALL**

2010-0907.06      YES    5      NO    0

**Ordinance 1674:** An ordinance amending the zoning regulations, Chapter 192, of the Municipal Code of the City of Ankeny, Iowa, by amending the Planned Unit Development for certain property owned by Vision Investments.

**ACTION #7.** Steenhoek made the MOTION to accept second consideration of ORDINANCE 1674, seconded by Strait.

**ROLL CALL**

2010-0907.07      YES    5      NO    0

**Ordinance 1675:** An ordinance incorporating changes into the Municipal Code of the City of Ankeny, Iowa.

**ACTION #8.** Welch made the MOTION to accept second consideration of ORDINANCE 1675, seconded by Steenhoek.

**ROLL CALL**

2010-0907.08      YES    5      NO    0

**Ordinance 1676:** An ordinance amending Chapter 69, Parking Regulations, of the Municipal Code of the City of Ankeny, Iowa, by amending Section 69.11, No Parking on Both Sides, to allow for the addition of a "No Parking" zone along the west side of  
1. NW State Street from West 1<sup>st</sup> Street to NW 10<sup>th</sup> Street.

**ACTION #9.** Kissinger made the MOTION to accept second consideration of ORDINANCE 1676, seconded by Strait.

**ROLL CALL**

2010-0907.01      YES    5      NO    0

**Ordinance 1677:** An ordinance vacating a public utility easement located on Lot 14 Chimney Point Plat 1 and electric easements located on Lots 2, 5, 8, 9 and 14 of Chimney Point Plat 1. (PH 2010-30)

**ACTION #10.** Steenhoek made the MOTION to accept first consideration of ORDINANCE 1677, seconded by Kissinger.

**ROLL CALL**

2010-0907.10            YES    5            NO    0

**J. OLD BUSINESS:**

- Proposed 2010 Ankeny Comprehensive Plan

Councilor Block stated there had been discussion previously that notes would be made regarding Carol's concerns.

John Peterson, Planning & Building Director, stated staff again reviewed the Ankeny Comprehensive Plan and revised all the mapping that had any indication of a bluebelt. Through the mapping process, they eliminated all the areas outside the growth boundary, so they no longer appear in the Comprehensive Plan document. The Comprehensive Plan is a policy document. It's not zoning, and it doesn't become zoning until applications for rezoning are considered. The county comprehensive plan stays intact, and the Ankeny Comprehensive Plan doesn't change that. He stated there is no problem with the farmers' implementation of tile systems to preserve wet fields as farmable land.

Councilor Steenhoek inquired about what happens to an existing tile system when an area is developed.

John Peterson stated the tile system is typically left in place and tied into.

Councilor Steenhoek asked for confirmation that the bluebelt designation would not affect nearby property values and it would not effectively flood them out.

John Peterson confirmed that is the idea, and the intention of the bluebelt designation is to protect those corridors for stormwater drainage.

**ACTION #11.** Welch made the MOTION to adopt RESOLUTION 2010-247 approving the 2010 Ankeny Comprehensive Plan, seconded by Strait.

**ROLL CALL**

2010-0907.11            YES    5            NO    0

**K. NEW BUSINESS:**

- Proposed The District at Prairie Trail – Phase 1 (PH 2010-29)

**ACTION #12.** Kissinger made the MOTION to adopt RESOLUTION 2010-248 adopting plans, specifications, form of contract and estimate of cost

**(\$1,347,002.00) for The District at Prairie Trail – Phase 1 Project, seconded by Steenhoek.**

**ROLL CALL**

**2010-0907.12            YES    5            NO    0**

**ACTION #13.** Strait made the MOTION to receive and file report of bids received for The District at Prairie Trail – Phase 1 Project, seconded by Block.

**ROLL CALL**

**2010-0907.13            YES    5            NO    0**

- Economic Development Policy Amendment

**ACTION #14.** Welch made the MOTION to adopt RESOLUTION 2010-249 amending the Economic Development Incentive Policy by creating a “local Business Investment Policy” in the City of Ankeny, Iowa, seconded by Steenhoek.

**ROLL CALL**

**2010-0907.14            YES    5            NO    0**

- State of Iowa High Quality Jobs Program Application (Accu-Mold, LLC)

Councilor Steenhoek inquired as to whether the financial package is still in negotiation or has been finalized.

Tim Moerman, Economic Development Director, stated it has not yet been finalized, and negotiations will begin as applications are submitted, and then brought forward before the City Council.

**ACTION #15.** Kissinger made the motion to adopt RESOLUTION 2010-245 endorsing the submission of a high quality jobs program application to the Iowa Department of Economic Development, seconded by Strait.

**ROLL CALL**

**2010-0907.15            YES    5            NO    0**

- Proposed Northeast Ankeny Urban Renewal Plan  
Initiate Proceedings

**ACTION #16.** Kissinger made the MOTION to adopt RESOLUTION 2010-250 initiating the urban renewal process and setting dates for a consultation meeting and a public hearing on the proposed Northeast Ankeny Urban Renewal Plan for the City of Ankeny, Iowa, seconded by Steenhoek. (date of consultation mtg: 9/20/10 @ 1:00 p.m.; date of public hrg: 10/18/10 @ 5:30 p.m.)

**ROLL CALL**

2010-0907.16            YES    5            NO    0

**L. ADMINISTRATIVE BUSINESS:**

- REPORT OF THE CITY STAFF: No report
- REPORT OF THE GOVERNING BODY:

Mayor Van Oort thanked everyone for their attendance at the groundbreaking of Centennial High School. He also reported that the strategic planning retreat was successful.

Councilor Welch reported he will be absent from the Special Meeting on September 13<sup>th</sup>.

Councilor Strait reported he will be absent from the Special Meeting on September 13<sup>th</sup>.

Councilor Block reported he has received complaints about drainage issues near Otter Creek and Interstate 35 and wanted to bring it to the attention of city staff.

***Future Council Agenda Items:***

- ***Special Meeting/Council Action Planning Session –Aerial Ladder Truck – Fire #2 Staffing/ – SAFER Grant Application - 9-13-10 @ 5:00 p.m.***
- ***Public Hearing – Proposed SW Magazine Road Improvements – SW Cherry Street to SW State Street Project (date of hrg: 9/20//10 @ 5:30 p.m.)***
- ***Public Hearing – Proposed Prairie Ridge Sports Complex Softball Field Lighting Project (date of hrg: 9/20/10 @ 5:30 p.m.)***
- ***Public Hearing – Proposed vacation of a portion of storm sewer & surface water flowage easement – Cascade Falls Plat 1 (date of hrg: 09/20/10 @ 5:30 p.m.)***
- ***Public Hearing –Proposed vacation - right-of-way easement associated with Vintage Hills Plat 1. (date of hrg: 09/20/10 @ 5:30 p.m.)***
- ***Public Hearing - Proposal to convey sanitary sewer easements Wastewater Reclamation Authority - (date of hrg: 9/20/10 @ 5:30 p.m.)***

- ***Public Hearing – Annexation - Sharon K. Harris Revocable Trust, Sharon K Harris (trustee) and Richard D. Harris (Trustee) (date of hrg: 10-4-10 @ 5:30 p.m.)***
- ***Public Hearing - Northeast Ankeny Urban Renewal Plan – (date of consultation mtg: 9/20/10 @ 1:00 p.m.; date of public hrg: 10-18-10 @ 5:30 p.m.)***

#### **M. ADJOURNMENT**

***ACTION #17.*** There being no further business, Steenhoek made the MOTION to adjourn, seconded by Kissinger. (5:48 p.m.)

#### **ROLL CALL**

**2010-0907.17                      YES    5                      NO    0**

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Debra M. Arend, Deputy City Clerk

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Steven D. Van Oort, Mayor

The context of the above meeting will be submitted for council action at their next regular meeting on September 20, 2010.

Published in the Des Moines Register on the 17th day of September, 2010.